

IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

SMARTMATIC USA CORP.,)	
SMARTMATIC INTERNATIONAL)	
HOLDING B.V., and SGO)	
CORPORATION LIMITED,)	
Plaintiffs,)	
v.)	
NEWSMAX MEDIA, INC.,)	C.A. No.: N21C-11-028 EMD
Defendant.)	
)	
)	
)	
)	

**MEMORANDUM OPINION ON DEFENDANT NEWSMAX MEDIA, INC.’S
MOTION TO DISMISS IN PART THE AMENDED COMPLAINT**

I. BACKGROUND

This is a civil action involving a defamation claim. Plaintiffs Smartmatic USA Corp., Smartmatic International Holding B.V., and SGO Corporation Limited (collectively, “Smartmatic”) allege Defendant Newsmax Media, Inc. (“Newsmax”) published false and defamatory statements about Smartmatic relating to Smartmatic’s role in the 2020 United States Presidential Election (the “2020 Presidential Election”).¹ Smartmatic maintains Newsmax’s statements constitute defamation *per se* because the statements charge Smartmatic with a “serious crime and were of a nature tending to injure Smartmatic in its trade, business, and profession.”² Smartmatic seeks damages, including economic and punitive damages.³

Newsmax moves (the “Motion”) to dismiss Smartmatic’s First Amended Complaint (described below) under Superior Court Civil Rule 12(b)(6).⁴ The First Amended Complaint

¹ For a more detailed recitation of the facts of this case, see the Court’s February 2023 Memorandum Opinion denying Newsmax’s motion for judgment on the pleadings. *Smartmatic USA Corp. v. Newsmax Media, Inc.*, 2023 WL 1525024 (Del. Super. Feb. 3, 2023).

² *Smartmatic USA Corp.*, 2023 WL 1525024 at *1.

³ *Id.*

⁴ Defendant’s Motion to Dismiss (“Motion”) (D.I. 226, D.I. 227); *see also id.* at 15 (requesting dismissal under Civil Rule 12(b)(6)).

adds twenty-six allegedly defamatory statements (the “additional statements”) in addition to those in the original Complaint.⁵ Newsmax seeks to dismiss the First Amended Complaint in part. Newsmax contends the additional statements are time-barred under Delaware’s two-year statute of limitations for defamation and that no tolling exception applies.⁶

On November 3, 2021, Smartmatic filed this civil action against Newsmax.⁷ Smartmatic asserted a single cause of action: defamation *per se* for false statements and implications by Newsmax in the wake of the 2020 Presidential Election.⁸ Smartmatic alleged “Newsmax published and/or republished false statements and implications during news broadcasts, in online reports, and on social media that Smartmatic participated in a criminal conspiracy to fix, rig, and steal” the 2020 Presidential Election.⁹ In February 2022, Newsmax filed its Answer, affirmative defenses, and a Counterclaim.¹⁰ In June 2022, Newsmax filed a motion for judgment on the pleadings under Civil Rule 12(c).¹¹ On February 3, 2023, the Court issued a decision and denied Newsmax’s motion for judgment on the pleadings.¹²

On March 28, 2023, Smartmatic filed the First Amended Complaint, which adds additional, allegedly defamatory statements that occurred in or around the same period as the statements in the original Complaint.¹³ Newsmax now moves to dismiss the additional

⁵ See *id.* at 1; see also *id.* at App. A (listing the additional statements present in the First Amended Complaint that are absent from original Complaint).

⁶ *Id.* at 4-12.

⁷ See Complaint (“Compl.”) (D.I. 1).

⁸ *Id.* ¶¶ 431-47.

⁹ *Id.* ¶ 432.

¹⁰ See Answer & Counterclaim (D.I. 59). Smartmatic filed its Answer to Newsmax’s Counterclaim later in February 2022. See Answer to Counterclaim (D.I. 60).

¹¹ Defendant’s Motion for Judgment on the Pleadings (D.I. 69, D.I. 70).

¹² See *Smartmatic USA Corp.*, 2023 WL 1525024.

¹³ See First Amended Complaint (“Am. Compl.”) (D.I. 177).

statements in the First Amended Complaint, arguing they are time-barred and do not relate back to the original Complaint.¹⁴

The additional statements are presented in the Appendix of this Order.¹⁵

The Court held a hearing on the Motion on August 1, 2023. At the conclusion of the hearing, the Court took the Motion under advisement. For the reasons set forth below, the Motion is **DENIED**.

II. STANDARD OF REVIEW

Civil Rule 12(b)(6) governs a motion to dismiss for failure to state a claim upon which relief can be granted.¹⁶ When the Court considers a motion to dismiss, it must:

(1) accept all well pleaded factual allegations as true, (2) accept even vague allegations as “well pleaded” if they give the opposing party notice of the claim, (3) draw all reasonable inferences in favor of the non-moving party, and (4) [not dismiss the claim] unless the plaintiff would not be entitled to recover under any reasonably conceivable set of circumstances.¹⁷

“Delaware’s pleading standard is ‘minimal,’ but the liberal construction afforded to the complaint does not ‘extend to conclusory allegations that lack specific supporting factual allegations.’”¹⁸ “Accordingly, the Court will dismiss a complaint if the plaintiff fails to plead specific allegations supporting each element of a claim or if no reasonable interpretation of the alleged facts reveals a remediable injury.”¹⁹

¹⁴ See Motion at 4-12.

¹⁵ Newsmax’s Motion attaches an Appendix with the additional statements. See *id.* at App. A. Smartmatic does not refute the Newsmax’s Appendix. See Plaintiffs’ Answering Brief (“Answering Br.”) at 3-4 (D.I. 274).

¹⁶ See Del. Super. Ct. Civ. R. 12(b)(6).

¹⁷ *Cent. Mortg. Co. v. Morgan Stanley Mortg. Cap. Hldgs. LLC*, 27 A.3d 531, 535 (Del. 2011).

¹⁸ *Parma VTA LLC v. Parma GE 7400, LLC*, 2022 WL 17817312, at *6 (Del. Super. Dec. 16, 2022) (quoting *Cent. Mortg. Co.*, 27 A.3d at 536; *Surf’s Up Legacy P’rs, LLC v. Virgin Fest, LLC*, 2021 WL 117036, at *6 (Del. Super. Jan. 13, 2021)).

¹⁹ *Axogen Corp. v. Integra LifeSciences Corp.*, 2021 WL 5903306, at *2 (Del. Super. Dec. 13, 2021) (citing *Surf’s Up Legacy P’rs, LLC*, 2021 WL 117036, at *6).

Generally, the Court may not consider matters outside the complaint when it considers a motion to dismiss under Rule 12(b)(6).²⁰ However, documents that are “integral to or incorporated by reference in the complaint may be considered” without the motion being treated as one for summary judgment.²¹

III. DISCUSSION

Newsmax maintains that Smartmatic is time-barred from seeking damages relating to the additional statements. Newsmax first contends that Smartmatic was on inquiry notice of the additional statements no later than December 11, 2020, consequently barring these statements under the statute of limitations.²² Newsmax next contends that the “relation back” doctrine under Civil Rule 15(c) does not apply to the additional statements for two reasons: (1) the statements are “independent theories of liability not set forth in the original complaint,”²³ and (2) the statements include utterances by additional speakers not referenced in the original Complaint.²⁴ Smartmatic responds that the additional statements relate back because they all arise from Newsmax’s defamatory campaign alleged in the original Complaint.²⁵

The Amended Complaint alleges 26 new published statements. The dates for the additional statements occur between November 10, 2020 and December 19, 2020. Delaware’s statute of limitations for defamation claims is two years.²⁶ As applied here, that period would

²⁰ *Knight Broadband LLC v. Knight*, 2022 WL 1788855, at *7 (Del. Super. June 2, 2022) (citing Del. Super. Ct. Civ. R. 12(b)).

²¹ *See id.* (citing *In re Santa Fe Pac. Corp. S’holder Litig.*, 669 A.2d 59, 70 (Del. 1995)); *see also* Del. Super. Ct. Civ. R. 12(b). The additional statements are pleaded in the First Amended Complaint and attached as exhibits thereto.

²² *See* Motion at 5-8.

²³ *Id.* at 8-11.

²⁴ *Id.* at 11-12. Newsmax also argues Smartmatic’s First Amended Complaint failed to comply with the case management order. *See id.* at 12-13. The Court finds this argument unpersuasive. The Court granted Smartmatic’s motion to amend the complaint on March 23, 2023. Order (D.I. 169).

²⁵ *See* Answering Br. at 6-20.

²⁶ 10 Del. C. § 8119 (2023); *see also* *Stephen G. Perlman, Rearden LLC v. Vox Media, Inc.*, 2015 WL 5724838, at *12 (Del. Ch. Sept. 30, 2015) (“Delaware has a two-year statute of limitations for defamation claims.” (citing 10 Del. C. § 8119)).

end, absent an exception, on December 19, 2022. The First Amended Complaint was filed on March 28, 2023.²⁷ Therefore, the Delaware statute of limitations bars the additional statements unless an exception applies. The “relation back” doctrine is the exception at issue here.

Civil Rule 15(c)(2) states: “An amendment of a pleading relates back to the date of the original pleading when . . . (2) the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading.”²⁸ “The determinative factor is whether a defendant should have had notice from the original pleadings that the plaintiff’s new claim might be asserted against him.”²⁹ Generally, amendments “shall be freely given when justice so requires.”³⁰

Newsmax and Smartmatic frame the issue differently. Newsmax contends that the additional statements constitute independent theories of liability and therefore cannot relate back to the original Complaint. Smartmatic counters and argues that the additional statements constitute additional factual support for the same cause of action and therefore do relate back. The Court agrees with Smartmatic.

“As master of [its] complaint, a plaintiff decides, among other things, who to sue, who not to sue, where to sue and *what claims to bring*.”³¹ Smartmatic brought a single cause of action.³² Smartmatic’s theory is that Newsmax repeated “five themes designed to . . . persuade

²⁷ See Am. Compl. The original Complaint was filed on November 3, 2021, which is within the limitations period. See Compl.

²⁸ Del. Super. Ct. Civ. R. 15(c)(2).

²⁹ *Atlantis Plastics Corp. v. Sammons*, 558 A.2d 1062, 1065 (Del. Ch. 1989) (citation omitted); see also *Galate v. Beebe Med. Ctr., Inc.*, 2022 WL 1658370, at *4 (Del. Super. May 25, 2022) (quoting *Atlantis Plastics Corp.*, 558 A.2d at 1065).

³⁰ Del. Super. Ct. Civ. R. 15(a); *Cordrey v. Doughty*, 2017 WL 4676593, at *6 (Del. Super. Oct. 11, 2017) (quoting Del. Super. Ct. Civ. R. 15(a) in a Rule 15(c)(2) analysis).

³¹ *Germaninvestments AG v. Allomet Corp.*, 2020 WL 6870459, at *1 (Del. Ch. Nov. 20, 2020) (emphasis added) (citing *Caterpillar Inc. v. Williams*, 482 U.S. 386, 393 (1987) (“The [well-pleaded complaint] rule makes the plaintiff master of the claim.”)).

³² Am. Compl. ¶¶ 431-47; Compl. ¶¶ 431-47.

people that Smartmatic . . . was responsible for stealing” the 2020 Presidential Election.³³ Those themes are:

- (1) Smartmatic’s election technology and software were widely used in the 2020 Presidential Election;
- (2) Smartmatic fixed, rigged, and stole the 2020 Presidential Election for Joe Biden and Kamala Harris;
- (3) Smartmatic’s election technology and software (a) were compromised or hacked during the 2020 Presidential Election and (b) sent votes overseas to be compromised or hacked;
- (4) Smartmatic was founded and funded by corrupt dictators from socialist and communist countries; and
- (5) Smartmatic’s election technology and software were designed to and have fixed, rigged, and stolen elections before.³⁴

Newsmax cites, for instance, the Restatement (Second) of Torts in support of its “independent theory of liability” position.³⁵ Restatement Section 577A states that “[i]t is the general rule that each communication of the same defamatory matter by the same defamer, whether to a new person or to the same person, is a separate and distinct publication, for which a separate cause of action arises.”³⁶ Smartmatic, as master of its complaint, chose a different path. Smartmatic did not assert a cause of action for each statement; instead, Smartmatic asserted a single cause of action supported by multiple statements. The Restatement, and other caselaw support for Newsmax’s “independent theory of liability” position, are inapplicable.³⁷

³³ See Am. Compl. ¶ 173; Answering Br. at 1-2.

³⁴ Am. Compl. ¶ 173.

³⁵ Motion at 10.

³⁶ Restatement (Second) of Torts, § 577A, cmt. a (2023).

³⁷ Newsmax cites, for instance, *Moore ex rel. Moore v. Emeigh*, 935 A.2d 256, 2007 WL 2823661 (Del. Oct. 1, 2007) (TABLE). *Moore* is inapplicable. The claimant there originally asserted a claim to hold the owner of a plane vicariously liable for the negligence of a pilot. See *id.* at *2. The new claim asserted negligence against the owner for failure to inspect the plane before the pilot borrowed it. *Id.* The Supreme Court held that “[t]he new claim presents an independent legal theory of liability based on independent facts that were not set forth in the original complaint,” and accordingly affirmed the trial court’s ruling that the new claim did not relate back. *Id.* Unlike *Moore*, Smartmatic did not assert a new claim.

Additionally, Newsmax cites federal cases interpreting the Federal Rule of Civil Procedure 15, which is like Delaware Rule 15. Motion at 10 n.5. Newsmax contends these federal cases are persuasive, so the Court can

All five overarching points support a single cause of action: defamation *per se* for false statements and implications by Newsmax in the wake of the 2020 Presidential Election.³⁸ The additional statements, Smartmatic alleges, support one or more of the five overarching points.³⁹ Further, Smartmatic’s single cause of action arises from Newsmax’s coverage of the 2020 Presidential Election in November and December 2020.⁴⁰ All additional statements fall within that timeframe.⁴¹

“The determinative factor [for amending a pleading] is whether a defendant should have had notice from the original pleadings that the plaintiff’s new claim might be asserted against him.”⁴² Newsmax had notice from the original Complaint that Smartmatic’s additional statements (which do not themselves constitute a new claim) might be asserted against Newsmax. Paragraph six of the original Complaint states:

consider them. *Id.* While this may be true, the Court need not rely on federal cases to interpret Delaware Civil Rule 15 in this instance because Delaware Civil Rule 15 and the cases interpreting it are clear. *See, e.g., Moore*, 2007 WL 2823661, at *2 (stating that a new claim presenting “an independent theory of liability based on independent facts that were not set forth in the original complaint” does not relate back to the original pleading); *Beebe Med. Ctr., Inc.*, 2022 WL 1658370, at *4 (denying a request to add a claim because the claim “d[id] not arise out of the same conduct or occurrence” in the original complaint, and noting that the original complaint did not mention any facts that would give rise to the new claim).

Moreover, even if Newsmax’s “independent theory of liability” argument is correct, the Motion still fails because Newsmax had sufficient notice. Smartmatic put Newsmax on notice that its original Complaint encompassed Newsmax’s alleged defamatory statements from November and December 2020 regarding the “five themes” Newsmax employed. *See* Compl. ¶ 6. Every additional statement was published and/or republished in November or December 2020, and every additional statement falls into one or more of the five themes. *See* Motion at App. A; Answering Br. at App. 3. Newsmax therefore was on notice from the original Complaint. Del. Super. Ct. Civ. R. 15(c)(2) (“An amendment of a pleading relates back to the date of the original pleading when . . . (2) the claim or defense asserted in the amended pleading arose out of the conduct, transaction, or occurrence set forth or attempted to be set forth in the original pleading.”); *Atlantis Plastics Corp.*, 558 A.2d at 1065 (“The determinative factor is whether a defendant should have had notice from the original pleadings that the plaintiff’s new claim might be asserted against him.” (citation omitted)).

³⁸ Compl. ¶¶ 431-47; Am. Compl. ¶¶ 431-47.

³⁹ Answering Br. at 4; *id.* at App. 3; *see also Cent. Mortg. Co.*, 27 A.3d at 535 (requiring the Court to “draw all reasonable inferences in favor of the non-moving party” on a motion to dismiss).

⁴⁰ Am. Compl. ¶ 6 (“In November and December 2020, Newsmax published dozens of reports indicating that Smartmatic participated in a criminal conspiracy to rig and steal the 2020 U.S. election and that its technology and software were used to switch votes from former President Trump to now President Biden.”).

⁴¹ The publication date of each additional statement is presented in the Appendix *infra*.

⁴² *Atlantis Plastics Corp.*, 558 A.2d at 1065; *see also Beebe Med. Ctr., Inc.*, 2022 WL 1658370, at *4 (quoting *Atlantis Plastics Corp.*).

In *November and December 2020*, Newsmax published dozens of reports indicating that Smartmatic participated in a criminal conspiracy to rig and steal the 2020 U.S. election and that its technology and software were used to switch votes from former President Trump to now President Biden. Smartmatic's participation in the conspiracy was a fact according to Newsmax and its guests, as was the use of Smartmatic's technology and software to switch votes.⁴³

Newsmax was on notice.

During the hearing, the Court questioned Newsmax on why its "independent theory of liability" position was not raised in connection with its initial motion for judgment on the pleadings under Civil Rule 12(c). The Court did this because Smartmatic has always only asserted one cause of action for defamation. Newsmax had no straightforward answer to the Court's questions. To the extent this "issue" remains prior to trial, the Court believes it can address the issue through jury instructions and special interrogatories.

IV. CONCLUSION

The additional statements support a single cause of action; fall within one of the five overarching points from the original Complaint; occurred during the same time period as the statements in the original Complaint; and, therefore, relate back to the original Complaint. Further, Newsmax was on notice from the original pleadings and cannot claim prejudice. Accordingly, Newsmax's Motion is **DENIED**.

IT IS SO ORDERED.

August 23, 2023
Wilmington, Delaware

/s/ Eric M. Davis
Eric M. Davis, Judge

cc: File&ServeXpress

⁴³ Compl. ¶ 6 (emphasis added); *see also* Am. Compl. ¶ 6.

APPENDIX

First Am. Compl. Para. #	Program	Speaker	Statement ⁴⁴	Publication Date
200(a)	American Agenda	Kenneth Timmerman	Kenneth Timmerman: “In this case, <i>it’s Dominion Smartmatic. . . . Their systems could have been hacked.</i> ”	11/10/2020
185(d); 200(h)	Stinchfield	Dick Morris; Grant Stinchfield	Dick Morris: “Then these polls it was 2000 and we polled in <i>Wisconsin and Michigan and Pennsylvania</i> . And purpose of the poll was to get a feel for what Trump would be able to do on Election Day. And we found that in each of those states he was winning by three points. And we have been tracking those states day after day, week after week. And that was a completely logical conclusion. So when the win <i>Wisconsin</i> , for example, came in with Trump losing by almost a point, we knew that something must be wrong. <i>It was most exaggerated in Michigan</i> , where he lost by a million, by a hundred and fifty thousand votes, whereas he would probably have been predicted to win by 40 or 50 thousand. <i>So something clearly is amiss</i> . And I do not necessarily believe that it was a retail fraud, vote by vote, count by count. <i>I think it may have originated in the Dominion software and the Smart Tech software that the polling people, voting people used.</i> ” Grant Stinchfield: “Which, as you know, we’ve been at the forefront of investigating in the Dominion systems and <i>all of the just irregularities with that</i> and the cloaked in secrecy.”	11/17/2020
185(e); 212(d)	Wake Up America	Emerald Robinson	Emerald Robinson: “In the last twenty four hours, [Powell] has released a very long, detailed whistle-blower statement that she says is by a high ranking military official. . . . the whistleblower	11/17/2020

⁴⁴ All emphasis in the “Statement” column is identical to the statements presented in the First Amended Complaint.

			describes <i>the evolution of Dominion voting machines and Smartmatic software. Smartmatic software is what was used by Hugo Chavez and his successor to fix elections in Venezuela. . . . Dominion voting machines uses a derivative or descendant of Smartmatic software saying that it's in the DNA of every software program used by every voting machine.</i> "	
185(f)	John Bachman Now	Emerald Robinson	Emerald Robinson: "Well, a high ranking military official has provided a sworn affidavit detailing his first hand experience with vote switching software in Venezuela, particularly in the 2013 presidential election in that country. This person says that <i>the Dominion voting machines uses a similar software that 'has the same DNA.'</i> This person, they say that they're coming forward because of what they saw <i>in the 2020 presidential election here</i> in this country saying, <i>'The circumstances and events are eerily reminiscent of what happened with Smartmatic software electronically changing votes in the 2013 presidential election in Venezuela.'</i> "	11/17/2020
185(g)	American Agenda	Emerald Robinson	Emerald Robinson: "[A] sworn affidavit to Trump lawyer Sidney Powell, which she released on the Internet yesterday. . . says that provides a detailed first details of his firsthand experience of <i>manipulating vote software called Smartmatic</i> in the 2013 presidential election. He was there watching it in Venezuela. In it, he says that <i>this Smartmatic software serves as a basis or the DNA for all software used in every voting machine in it.</i> "	11/17/2020
185(h)	American Agenda	Kenneth Timmerman	Kenneth Timmerman: "Remember, <i>the chairman of the board of Smartmatic up until about a week ago apparently was Mark Malloch Brown</i> , who was an investment partner of George Soros and a crony of George Soros. <i>Smartmatic</i>	11/17/2020

			<i>changed their website, scrubbed him from the website at Dominion, scrubbed him from the website at Dominion</i> , scrubbed about half of their employees or had their employee scrub about half of their profiles from LinkedIn over the past couple of days, including a gentleman known as Eric Coomer. . . .”	
200(i); 212(e)	American Agenda	Heather Childers	Heather Childers: “We’ve talked about Dominion today. <i>A parts supplier. . . Smartmatic</i> . You know, <i>everyone saw this statement that came out allegedly from the DHS that said this was the safest election ever</i> , I think in the history of elections. But <i>what people did not know. . . is sitting on the that board of the Department of Homeland Security, Cybersecurity and Infrastructure Security Agency was, in fact, Dominion and Smartmatic.</i> ”	11/17/2020
220(r)	American Agenda	Dick Morris	Dick Morris: “Ok that’s true and also remember, Dominion is kind of a shell company, the real owner, the real motivators of Dominion are the Chinese Communist Party. <i>And two, Chavez supporters in Venezuela, who shortly after Chavez seized power, invented the Dominion voting system as a method of stealing elections in Venezuela. And as a result, they were kicked out of Venezuela, Argentina and a whole host of other countries.</i>	11/17/2020
192(s)	The Chris Salcedo Show	Chris Salcedo; Andy Biggs	Chris Salcedo: “ <i>There’s only one reason why you buy a Dominion machine and you buy this Smartmatic software so you can easily change votes the Smartmatic and Dominion machines . . . they’re specifically built with a back door so you can easily change votes, who the heck wants to buy a machine that you can easily change votes?</i> ” Andy Biggs: “No, you’re exactly right. And so, like in Maricopa County, I know that [] some of the supervisors who are now trying to	11/17/2020

			get to it and find out who is the vendor for the software. <i>Was it the Smartmatic group that actually has some problems or reportedly has these problems? Yeah.</i>	
212(f)	John Bachman Now	John Bachman	John Bachman: “This <i>Smartmatic</i> company, <i>also a foreign conglomeration of venture capitalists and different entities.</i> You know, 70% of the American voting equipment is controlled by foreign companies.”	11/18/2020
185(i)	American Agenda	Heather Childers	Heather Childers: “And that’s something I know you have followed, <i>all Dominion voting machines and the software that they use, Smartmatic</i> and the different problems that have been documented for years. . . .”	11/19/2020
192(u)	The Mark Kaye Show	Mark Kaye	Mark Kaye: “This guy, Peter Neffenger, <i>he’s on the board of directors for this Dominion software, the Smartmatic software, which runs on these Dominion machines.</i> . . You can drag and drop votes to a specific folder and then just delete the folder, just drag that into the trash and then empty the trash. . . <i>They’ve done it before</i> . . . They have <i>proof of kickbacks</i> , kickbacks to people in government who bought these machines for their state elections in the first place.”	11/20/2020
192(v); 212(g)	The Chris Salcedo Show	Sidney Powell; Chris Salcedo	Sidney Powell: “[A]nd the interference with our elections here in the United States, the Dominion voting systems, <i>the Smartmatic technology software</i> and the software that goes in other computerized voting systems here as well. . . <i>were created in Venezuela at the director of Hugo Chavez to make sure he never lost an election</i> . . . <i>Now, the software itself was created with so many variables and so many back doors that can be hooked up to the Internet or a thumb drive stuck in it or whatever, but one of its most characteristic features is its ability to flip votes.</i> ” Chris Salcedo: “Why would	11/20/2020

			you build something like that? Unless the objective was to have a voting machine that gave the illusion of fairness. <i>But had the ability to change votes commensurate to those who control the tabulator. Sidney Powell is making some great points.</i>	
212(h)	John Bachman Now	John Bachman; Michelle Malkin	John Bachman: “But I do want to focus on what we do know about Dominion and Sequoia and <i>Smartmatic</i> and some of these other companies. What is concerning, I think, to a lot of folks is that these are for profit companies owned by international conglomerations and hedge funds and investment groups. . . We also know this other company, Sequoia. . . has been owned by both <i>Smartmatic</i> and Dominion. And again, <i>this is like 70 percent of all the voting equipment in this country is tied to foreign corporations somehow.</i> ” Michelle Malkin: “. . . <i>this is the ultimate example of foreign interference in our election system.</i> . . .”	11/20/2020
212(i)	John Bachman Now	John Bachman	John Bachman: “ <i>You can trace the connection between Smartmatic to George Soros.</i> People are going to what, George Sorors. But it’s true. <i>One of the members of the Open Society Foundation is on the board of Smartmatic.</i> He’s also a member of the House of Lords.”	11/20/2020
192(w); 212(j); 220(i)	Rob Carson’s What in the World	Rob Carson; Sidney Powell	Sidney Powell: “We have sworn witness testimony of why the software was designed. <i>It was designed to rig elections. He was fully briefed on it and he saw it happen in other countries. It was exported internationally for profit by the people that are behind.</i> . . .” Rob Carson: “ <i>It actually assured the election of Hugo Chavez by about 99 percent [sic] of the vote.</i> . . .” Sidney Powell: “ <i>Smartmatic</i> – ” Rob Carson: “ <i>Venezuela</i> – ” Sidney Powell (Press Conference): “and Dominion <i>they did</i>	11/21/2020

			<i>this on purpose. It was calculated. They've done it before."</i>	
192(x)	John Bachman Now	Kenneth Timmerman ; John Bachman	Kenneth Timmerman: "Instead, we had a <i>cyber agency run by Microsoft with Smartmatic officials working with them.</i> " John Bachman: " <i>Unbelievable. . . They find these folks who used to work in Washington, they become lobbyists, they become spokesperson for these companies, and then it becomes hard to really reign them in.</i> "	11/23/2020
212(k)	John Bachman Now	John Bachman; Jeffrey Lord	Jeffery Lord: "[Sidney Powell] is quite specific about the allegations with Dominion and Smartmatic and, you know, the denial that there's any Venezuelan connection. John, <i>all you have to do is do Research 101, which is to go to Wikipedia and look up Smartmatic and there's chapter and verse from a nonlawyer about their connections to Venezuela. So, yeah, is there something fishy going on here? You bet there is.</i> " John Bachman: "Also, there were plenty of reporting by National Public Radio on the same topic, talking about the vulnerabilities and the kind of strange circumstances of the fact that <i>about 70 percent of all the voting equipment in this country is maintained by three companies, Sequoia, Smartmatic and Dominion.</i> And none of us really know how it works."	11/26/2020
212(l); 220(e)	Greg Kelly Reports	Dick Morris	Dick Morris: "And there's a lot of evidence that Dominion software and <i>Smartmatic, which [] is part of the software, have a procedure to flip results, to change results.</i> And there's a lot of testimony from people. <i>This was a software designed for Hugo Chavez in Venezuela because he lost an election and he's determined never to lose one again.</i> "	11/30/2020
185(l); 220(f)	The Chris Salcedo Show	Chris Salcedo	Chris Salcedo: "[S]ome of the administrators in these states that use Dominion and <i>Smartmatic machines</i>	12/01/2020

			<i>that were designed to be easily modified, they designed these machines to easily modify the vote.</i> Now, why do you design machines to do that unless you have an <i>expressed desire to cheat?</i> . . . so why did <i>these others states say oh, no, no, no, bring on the cheating hardware. Yes, we love to have our votes easily manipulated in our state.</i> ”	
185(t); 192(y)	The Chris Salcedo Show	Bernard Kerik; Chris Salcedo	Bernard Kerik: “ <i>There are substantial problems with the machines, the Dominion machines, the software, the Smartmatic software . . . be in Michigan, Arizona, Pennsylvania, tomorrow it will be in Georgia.</i> ” Chris Salcedo: “I got to ask you, because we’re going to have people testifying that they saw <i>these machines hooked up to the Internet, which they’re not supposed to be hooked up to the Internet. That is part of a security measure for our elections. . . .</i> ” Bernard Kerik: I know one of the things that will come out of today’s hearing is some of the actual evidence that <i>we pulled out of the machine in Antrim County, Michigan.</i> ”	12/02/2020
185(m)	Greg Kelly Reports	Phillip Waldron	Phillip Waldron: “[T]here’s a core of people who are involved with <i>Dominion</i> , with <i>SGO Smartmatic</i> , and the problems exist throughout the <i>other election systems as well. . . . They’ll try to convince you that they don’t, but they have business licenses and software licensing agreements. They have shared offices.</i> ”	12/04/2020
212(m)	The Chris Salcedo Show	Sidney Powell	Sidney Powell: “We expect that in <i>Venezuela, unfortunately, where the Dominion systems and Smartmatic technology first took root and was used to ensure the election of Hugo Chavez, brutal dictator.</i> I’m still wondering what role our three letter agencies had in the creation and distribution of that.”	12/03/2020
185(u); 192(z)	National Report	Bernard Kerik	Bernard Kerik: “We’ve seen overwhelming evidence where votes,	12/11/2020

			ballots were fraudulently placed into tabulators. <i>We've seen Dominion machines and Smartmatic technology that has cast votes for millions of people, millions of votes that should not have been.</i>	
200(k); 212(p)	John Bachman Now	John Bachman	John Bachman: "The problem is much bigger than Dominion or <i>Smartmatic or this hack or that hack</i> . Those are the two companies, though, that are based in the US. <i>But who really owns them? The fact is, an estimated 70 percent [sic] of all the voting equipment we use in this country is foreign owned.</i> "	12/17/2020
185(v); 212(q); 220(z)	Greg Kelly This Week	Michael Flynn	Michael Flynn: " <i>We know that Venezuela has participated in the development of these machines. There's been problems all over the country with them. Not only Dominion, but this Smartmatic software.</i> "	12/19/2020